APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,069	12/03/2001	Neal Solomon	25130-11259	2731

758   7590   07/17/2007
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EXAMINER
GREIMEL, JOCELYN

ART UNIT	PAPER NUMBER
3693	

MAIL DATE	DELIVERY MODE
07/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/010,069	SOLOMON, NEAL
	Examiner	Art Unit	
	Jocelyn Greimel	3693 '	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 April 2007*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-53* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   This communication is in response to Applicant's Remarks filed 12 April 2007.

Claims 1-53 are pending.   Claims 1, 20, 31, 33, 35, 48, 49 and 52 are independent

claims.

Claim Objections

2.   The claim objections are withdrawn.

Response to Arguments

3.   Applicant's arguments filed 12 April 2007 have been fully considered but they are

not persuasive.

- In regard to Applicant's argument: "Peckover does not teach the claimed step of

   a buyer seeking information about an item, or a group of items, simultaneously

   from a group of multiple sellers..." – Peckover teaches at column 3 "The ESA 48,

   which is also suitably configured with an Internet connection 52, transmits the

   purchase requirements along with customer profile information to selected

   retailers, and further receives proposals of items from those retailers as

   described in further detail below. The proposals are then forwarded to the

   requesting customers."

- In regard to Applicant's argument: "Peckover provides passive information about a product form a single seller, he does not provide a system for an active interaction between the buyer and single seller" – Peckover teaches at column 3 "an electronic shopping system which is able to allow consumers to locate appropriate merchandise and retailers more effectively through the Internet. Such system should provide a two-way communication between consumers and retailers where merchandise and/or service requests are received from customers, and appropriate retailers which offer the requested merchandise and/or services identified and passed along to the requesting customers." Peckover additionally teaches consumer/seller interactions via the seller website etc.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   **Claims 1, 30, 48-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Peckover (US Patent No. 6,119,101).** In reference to claim 1, Peckover discloses a method, system and computer program for exchanging information between a buyer

and at least one of a plurality of sellers using computers that communicate over a distributed network (col. 15, lines 10-64):

a.   the system comprising: a buyer's intelligent agent for receiving information regarding at least one selected item from at least one of a plurality of seller's inter-agents and for sending information regarding said selected item to said least one seller's inter-agents (col. 15, line 10 – col. 19, line 32; "personal agent");

b.   said selected item being one of a group of individual product items and individual service items (col. 16, lines 9-24), at least one buyer's input device in communication with said buyer's inter-agent, said buyer's input device for identifying a list of at least two sellers of said selected item (col. 15, line 10 – col. 19, line 32);

c.   said at least one of a plurality of seller's inter-agents for receiving information regarding said selected item from said buyer's inter-agent and for sending information regarding said selected item to said buyer's inter-agent, each of said plurality of sellers' agents representing a seller of said selected item (col. 22, lines 56-20; col. 27, line 50 – col. 28, line 49);

d.   and wherein, when said list of sellers is received by said buyer's inter-agent, said buyer's inter-agent and said seller's inter-agents representing said at least two sellers engage in an exchange of information regarding said selected item (abstract; col. 14, line 55 – col. 15, line 64)

6.   In reference to claim 30 and 48, Peckover discloses a system for exchanging

information between a buyer and at least one of a plurality of sellers using computers

that communicate over a distributed network (col. 15, lines 10-64):

  e.   a buyer's inter-agent for receiving information regarding at least one

selected item from at least one of a plurality of seller's inter-agents and for

sending information regarding said selected item to said seller's inter-agents,

said selected item being one of a product or service, and said at least one of a

plurality of seller's inter-agents for receiving information regarding said selected

item from said buyer's inter-agent and for sending information regarding said

selected item to said buyer's inter-agent (col. 15, line 10 – col. 19, line 32;

"personal agent");

  f.   wherein, when said buyer's inter-agent transmits a set of minimally

acceptable buyer's specifications for said selected item to said plurality of seller's

inter-agents, said at least one of said plurality of seller's inter-agents transmits to

said buyer's inter- agent a set of seller's specifications available from a seller for

said selected item that comply with said set of minimally acceptable buyer's

specifications (col. 16, line 55- col. 17, line 15; col. 18, line 30 – col. 19, line 32);

  g.   and wherein, when said buyer's inter-agent transmits a set of minimally

acceptable buyer's transaction specifications for said selected item to said

plurality of seller's inter- agents, said at least one of said plurality of seller's inter-

agents transmits to said buyer's inter-agent a set of seller's transaction

specifications available from a seller for said selected item that comply with said

set of minimally acceptable buyer's transaction specifications (col. 16, line 55-
col. 17, line 15; col. 18, line 30 – col. 19, line 32).

7.   In reference to claims 31-47, the claims and limitations closely parallel those of
claims 1, 30 and 48-53. Claims 31-47 are rejected under the same rationale as set forth
in claims 1, 30 and 48-53 as indicated supra.

8.   In reference to claims 2-29, Peckover discloses a method and system:

h.   wherein: said at least one of a plurality of seller's intelligent agents
comprises at least two of said plurality of seller's intelligent agents (col. 27 – col.
28, line 50);

i.   wherein: said buyer's inter-agent is autonomous and wherein: at least one
of said seller's inter-agents is autonomous (col. 15, lines 10-63);

j.   wherein: said buyer's inter-agent transmits a list of buyer's minimally
acceptable specifications to said seller's intelligent agents, and said seller's
intelligent agents transmit responses to said buyer's inter-agent stating the
availability of said selected item with said buyer's minimally acceptable
specifications from the sellers represented by said seller's intelligent agents (col.
15, line 10 – col. 19, line 32);

k.   wherein: said at least one selected item comprises a bundle of items
wherein each of said at least two sellers is a seller of each of said items of said
bundle; and wherein: said at least one selected item comprises a bundle of

items, each item of said bundles of items is available from each of said at least

two sellers, and each of said items of said bundle satisfies a list of buyer's

minimally acceptable specifications; and wherein: at least one item of said bundle

includes at least one parts, and said parts are available from said at least two

sellers, and said parts satisfy said list of buyer's minimally acceptable

specifications; and wherein: said at least one selected item comprises a bundle

of items; and wherein: said information regarding said selected item comprises at

least one promotion from at least one of said sellers (col. 16, line 9-24);

l.   wherein: said information regarding said selected item comprises at least

one contract contingency from at least one of said sellers authorizing said seller

to pay said buyer a penalty if said seller elects to sell said selected item to

another buyer (col. 16, line 9-24);

m.   wherein: said buyer's inter-agent selects one of a group of evolutionary

computation programs to exchange said information; and wherein: said group of

evolutionary computation programs comprises neural networks; and wherein:

said group of evolutionary computation programs comprises genetic

programming; and wherein: said group of evolutionary computation programs

comprises genetic algorithms; and wherein: said sellers' intelligent agent selects

one of a group of evolutionary computation programs to exchange said

information; wherein: said group of evolutionary computation programs

comprises neural networks; wherein: said group of evolutionary computation

programs comprises genetic programming; wherein: said group of evolutionary computation programs comprises genetic algorithms (col. 15, lines 53-64);

n.   the system, further comprising: at least one buyer's analytical agent for mining data from at least one of a plurality of market databases, said buyer's analytical agent in communication with said buyer's inter-agent, wherein, when said buyer's analytical agent receives a set of parameters relating to said selected item, said buyer's analytical agent mines said data from said databases to identify said list of at least two sellers of said selected item; wherein: said list of at least two sellers includes a ranking of said identified sellers according to satisfaction criteria related to said set of parameters; wherein: said buyer's analytical agent selects one of a group of evolutionary computation programs to perform said mining; wherein: said group of evolutionary computation programs comprises neural networks; wherein: said group of evolutionary computation programs comprises genetic programming; wherein: said group of evolutionary computation programs comprises genetic algorithms; wherein: said mining data comprises filtering (col. 16, line 55- col. 17, line 15; col. 18, line 30 – col. 19, line 32; and as in sections "r" – "v" supra).

o.   The system wherein: said plurality of market databases includes at least one new items similar to said selected item, and said buyer's analytical agent ranks said new items by interest to customers of similar to a buyer associated with said buyer's inter-agent; further comprising: at least one seller's analytical agent for analyzing seller competitors, said seller's analytical agent in

communication with said at least one of a plurality of seller's inter-agents, wherein, when said seller's analytical agent receives an indication of a buyer's interest in said selected item, said seller's analytical agent mines data from at least one of a plurality of market databases for identifying candidate seller competitors and for creating a report on the competitive strength of said candidate seller competitors related to prospective sales of said selected item to said buyer; and wherein: said indication of a buyer's interest in said selected item includes a list of at least one parts comprising said selected item, and said indication of a buyer's interest further including specifications for each said part minimally acceptable to said buyer (col. 18 – 19; and as in "w" supra).

Additional References

Other reference(s) related to the examination of the application but not cited herein:

- Google search engine Front Page, "Why Use Google?" Page and "Frequently Asked Questions" Page as of January 17, 1999 (http://web.archive.org/web/1999011732727/http://google.com).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

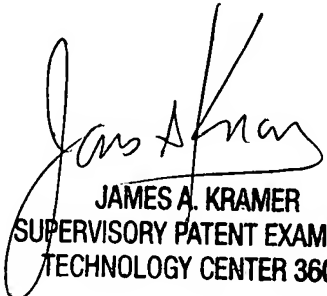than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-

3734. The examiner can normally be reached on Monday - Friday 8:30 AM - 4:30 PM

EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel
Examiner, Art Unit 3693
July 9, 2007

JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
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